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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,607	09/19/2003	Michael J. Chambers	M.CHAMBERS 2-1	6387
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EXAMINER				
WENDELL, ANDREW				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
11/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

### Office Action Summary

**Application No.**

10/665,607

**Applicant(s)**

CHAMBERS ET AL.

**Examiner**

ANDREW WENDELL

**Art Unit**

2618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/2008 has been entered.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: on line 8 of the claim "second" is not followed with any term, the examiner believes applicant means for it to state "second format". Also, line 10 of the claim, "data base" should be changed to "database". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner can not find support in applicant's

specification that ties the user to be able to use the specific contact database to make a call easier. The only support of the "specific contact database that the examiner can find is on page 6 in Section 0015 but its unclear how this database is used and how it relates to the user.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-5, 8, 11, 14-15, 18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarnio (US Pat Appl# 2003/0087650) in view of Henderson (US Pat# 7,266,186).

Regarding claim 1, Aarnio teaches a mobile telephone having a camera configured to generate an image of a document containing the contact data (location information is one form of contact data[sections 0006 and 0016] or even retail information is another form of contact data [section 0023]) in a first format that contains the data (digital image data, Sections 0006 and 0016 and 3.4 of Fig. 3); a processing server configured to receive the image via a wireless communication network, process the image to recognize the contact data with an image processing system, extract the contact data from the image and arrange the data according to a second format (mobile telephone sends image to mobile network 14 which extracts data and sends back to mobile telephone in a TXT, display image, audible message, etc. [Sections 0006-0008

and 0016-0018]; and a specific contact database in the mobile telephone, associated with the processing server, that receives and stores the extracted contact data according to the second format, wherein the second format is different from the first format and is consistent with the specific contact data base so that the extracted contact data can easily be added to the specific contact database (the contact is stored in the phone in order to for the user to view/hear the information, Sections 0006-0008 0016-0018, and 0023). Aarnio fails to teach a user can easily make a call on the mobile telephone using the added extracted contact data.

Henderson teaches that the extracted contact data can easily be added to the specific contact database and a user can easily make a call on the mobile telephone using the added extracted contact data (contact data [i.e. addresses, numbers, etc] is transmitted to the device and stored for easy access for the user, abstract).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a user can easily make a call on the mobile telephone using the added extracted contact data as taught by Henderson into Aarnio's automated contact data input in order to reduce time (Col. 2 lines 34-40 and Col. 3 lines 6-11).

Regarding claim 4, the combination including Aarnio teaches wherein the image processing system employs optical character recognition to extract the data from the contact image (Sections 0015-0017).

Regarding claim 5, it would be obvious that Aarnio can teach a processing server employing a spelling correction system (Sections 0015-0017) since it already has an

optical character recognition system and therefore a simple word processor systems having spell checking functions could do the task.

Regarding claim 8, the combination including Aarnio teaches wherein the wireless communication conforms to a selected one of GPRS 14 (Fig. 1).

Regarding claim 11, method claim 11 is rejected for the same reason as system claim 1 since the recited elements would perform the claimed steps.

Regarding claim 14, method claim 14 is rejected for the same reason as system claim 4 since the recited elements would perform the claimed steps.

Regarding claim 15, method claim 15 is rejected for the same reason as system claim 5 since the recited elements would perform the claimed steps.

Regarding claim 18, method claim 18 is rejected for the same reason as system claim 8 since the recited elements would perform the claimed steps.

Regarding claim 21, the combination including Aarnio teaches wherein the contact data is a portion of the image (Sections 0006 and 0016).

Regarding claim 22, the combination including Aarnio teaches automatically storing the data in the database format in the database of the mobile telephone (Sections 0006 and 0016-0018).

7. Claims 2, 7, 9, 12, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarnio (US Pat Appl# 2003/0087650) in view of Henderson (US Pat# 7,266,186) and further in view of Yukie et al. (US Pat# 6,956,833).

Regarding claim 2, Aarnio in view of Henderson teaches the limitations in claim 1. Aarnio and Henderson fail to teach a video sequence.

Yukie teaches wherein the image comprises a video sequence (Col. 7 line 35-Col. 8 line 26).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a video sequence as taught by Yukie into a user can easily make a call on the mobile telephone using the added extracted contact data as taught by Henderson into Aarnio's automated contact data input in order to reduce local storage in a consumer device (Col. 2 lines 53-54).

Regarding claim 7, Yukie further teaches wherein the processing server forwards the contact data extracted from the image to a destination in accordance with received instructions (Col. 6 line 55-Col. 7 line 3).

Regarding claim 9, Yukie further teaches wherein the mobile device has a memory configured to store multiple images and transmits the multiple images to the processing server in a batch (Col. 7 lines 26-34).

Regarding claim 12, method claim 12 is rejected for the same reason as system claim 2 since the recited elements would perform the claimed steps.

Regarding claim 17, method claim 17 is rejected for the same reason as system claim 7 since the recited elements would perform the claimed steps.

Regarding claim 19, method claim 19 is rejected for the same reason as system claim 9 since the recited elements would perform the claimed steps.

8. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarnio (US Pat Appl# 2003/0087650) in view of Henderson (US Pat# 7,266,186) and further in view of Zilliacus (US Pat Appl# 2003/0211856).

Regarding claim 3, Aarnio in view of Henderson teaches the limitations in claim 1. Aarnio and Henderson fail to teach a telephone transmitting an image by an MMS format.

Zilliacus's system for facilitating interactive presentations using wireless messaging teaches a mobile telephone 1014 (Fig. 10) transmitting an image to the processing server 1016 (Fig. 10) by employing a selected one of an MMS "MMS" (Fig. 10).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a telephone transmitting an image by an MMS format as taught by Zilliacus into a user can easily make a call on the mobile telephone using the added extracted contact data as taught by Henderson into Aarnio's automated contact data input in order to cut costs and test new technologies (Section 0005).

Regarding claim 13, method claim 13 is rejected for the same reason as system claim 3 since the recited elements would perform the claimed steps.

9. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarnio (US Pat Appl# 2003/0087650) in view of Henderson (US Pat# 7,266,186) and further in view of Iida (US Pat Appl# 2003/0181200).



Regarding claim 10, Aarnio in view of Henderson teaches the limitations in claim

1. Aarnio and Henderson fail to teach charging the user for processing.

lida's mobile terminal with built in camera and network printing system teaches a charge system, coupled to the processing server, configured to charge a user for processing of the image (Sections 0005 and 0054).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate charging the user for processing as taught by lida into a user can easily make a call on the mobile telephone using the added extracted contact data as taught by Henderson into Aarnio's automated contact data input in order to efficiently send image data (Section 0007).

Regarding claim 20, method claim 20 is rejected for the same reason as system claim 10 since the recited elements would perform the claimed steps.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-5, 7-15, and 17-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/  
Examiner, Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
Unit 2618

11/18/2008